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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,772	10/31/2003	Deia Salah-Eldin Bayoumi	ABDT-0574/B030260	1826
23361	7590	02/03/2009	EXAMINER	
ABB INC. LEGAL DEPARTMENT-4U6 29801 EUCLID AVENUE WICKLIFFE, OH 44092			PARKER, BRANDI P	
			ART UNIT	PAPER NUMBER
			3624	
			MAIL DATE	
			02/03/2009	DELIVERY MODE
				PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,772	BAYOUMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRANDI P. PARKER	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 November 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 13-20 is/are pending in the application.
  - 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 13-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

***Acknowledgements***

1. The following is a Final Office action in response to communications filed on 11/11/2008. Claims 1-12 have been cancelled.

***Response to Applicant's Remarks***

2. In response to Applicant's argument that Lai doesn't teach the limitations of the claims because the system and method is not directed towards manufacturing machines, Examiner respectfully disagrees. Lai teaches receiving status data from a machine that is delegated a task (column/line 16/8-25). The underlying concept of receiving the status information, querying a database, as well as rescheduling jobs is present in Lai. Therefore, the reference does teach and suggest this limitation.

***Examiner's Notes***

3. The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the

specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-14, 16, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lai et al (US 6407680).

4. With respect to claims 13 and 19, Lai teaches:

- a. maintaining a database identifying characteristics of a plurality of manufacturing machines (column/line 15/39-51, regarding machine farm with available machines capable of performing the required task);
- b. receiving notification that a first manufacturing machine is unavailable to perform a manufacturing job (column/line 16/12-29, regarding resource manager that monitors and assigns task to capable and available machines);

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c. querying the database to identify a second manufacturing machine operable to perform the manufacturing job (column/line 15/61-16/8, regarding the resource manager communicating with each machine running to determine the status of each machine in the database); and

d. rescheduling the job to be performed by the first manufacturing machine to the second manufacturing machine (column/line 16/12-29, regarding resource manager that monitors and assigns task to capable and available machines).

5. As to claim 14, Lai teaches wherein maintaining a database identifying characteristics of a plurality of manufacturing machines comprises maintaining a database comprising data specifying the functional capabilities of a plurality of manufacturing machines (column/line 16/12-29, regarding resource manager that monitors and assigns task to capable and available machines).

6. Regarding claim 16, Lai teaches wherein querying the database to identify a second manufacturing machine comprises querying to identify a manufacturing machine having substantially same manufacturing capabilities as the first manufacturing machine (column/line 15/44-51, regarding determining which machines support the necessary utilities for performing the required task).

7. As to claim 20, Lai further teaches a scheduling and planning agent communicatively coupled to said server, wherein said server reschedules the job to be

performed by the second manufacturing machine by transmitting a request to reschedule the job to said scheduling and planning agent (column/line 16/12-29, regarding resource manager that monitors and assigns task to capable and available machines.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 and 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al (US 6407680) in view of Agrusa et al (US 2004/0024891).

5. As to claims 15 and 18 Lai teaches the method of claim 1 and receiving task status data for a particular machine (column/line 16/12-20). Lai does not explicitly teach receiving status data indicating that the first machine is malfunctioning. Agrusa discloses a system that receives status data relating to a first machine comprises receiving data indicating the first machine is malfunctioning (paragraph 0049, regarding when the primary machine becomes unavailable due to internal malfunctions). Since

each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function, but in the very combination itself, that is in the substitution of the machine task status of Lai for the machine malfunction status of Agrusa. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

6. With respect to claim 17, Lai teaches reassigning tasks from one machine to another based on availability (column/line 16/12-20). Lai does not directly teach reassigning the job from the second machine back to the first machine comprises by transmitting instructions to schedule the job for performance at the first manufacturing machine and updating a corresponding schedule. However, the system in Lai reassigns the task or job to any available machine. A predictable result of the system in Lai would be to reassign particular tasks back to the first machine when the second machine becomes unavailable. Therefore, it would have been obvious to one with ordinary skill in the art to reassign the job or task back to the first machine whenever the first machine becomes available again and the second machine becomes unavailable.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley B. Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/  
Examiner, Art Unit 3624

/Bradley B Bayat/  
Supervisory Patent Examiner, Art Unit 3624